

DEC 13 2006

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

SIMONETTA GARTH

CR. NO. 2:06CR-299-MEF-CSC
[18 USC 922(g)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about December 1, 2006, in Montgomery County, within the Middle District of Alabama,

SIMONETTA GARTH,

defendant herein, having been convicted of a felony, a crime punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama, to-wit:

May 5, 2003, Theft of property second degree, in the Circuit Court of Lee County, Alabama, case number 2003-464;

did knowingly possess in and affecting commerce firearms, to-wit: a Sig Sauer 9mm pistol and a Master Arms .45 caliber pistol. All in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(1), as alleged in Count 1 of this indictment, the defendant,

SIMONETTA GARTH,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

One Sig Saur 9mm pistol; and,

One Master Arms .45 caliber pistol.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred, sold to, or deposited with a third person;

(3) has been placed beyond the jurisdiction of the court;


(4) has been substantially diminished in value; or,


(5) has been commingled with other property which cannot be divided without

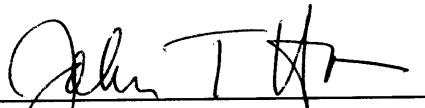
difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in paragraph B above.

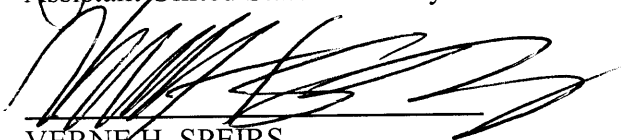
All in violation of Title 18, United States Code, Section 922.

A TRUE BILL:


Foreperson


LEURA G. CANARY
United States Attorney


JOHN T. HARMON
Assistant United States Attorney


VERNE H. SPEIRS
Assistant United States Attorney